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09/693,790	10/20/2000	Dean F. Jerding	A-6689	8529

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SCIENTIFIC-ATLANTA, INC.  
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EXAMINER

SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/693,790	Applicant(s) JERDING ET AL	
	Examiner Annan Q. Shang	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 71,72,74,75 and 87-110 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 71,72,74,75 and 87-110 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/26/05 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 71-72, 74-75, 87-92, 99-107 and 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Legall (6,005,565)** in view of **Ellis et al (2005/0283810)**.

As to claims 71 and 75, note the **Legall** reference figures 1-3, discloses integrated search of electronic program guide, Internet and other information resources and further discloses a method implemented by a television set-top terminal 'STT' (System 100, fig. 1) for enabling a user to search for media programs, the method comprising:

the claimed “receiving by a tuner in the STT media information...” is met by Receiver (R) 105 of System (S) 100 (fig. 1 and col. 2, lines 7-25), which receives via satellite broadcast, Internet broadcast, etc., broadcast programs and electronic program guide (EPG) “media information” corresponding to a plurality of respect media programs and stores the EPG in Memory (MM);

S-100 provides the user a search option to search the EPG stored in MM of S-100 for media programs with start time in a user-selected time period and matching a search term (figs. 3A, 3B and col. 2, lines 23-37); and responsive to the user activating the search option, outputting to the Television Display (TV) 120/326 of S-100 a portion of the EPG (fig 3B) stored in MM, the portion of the EPG comprising TBS, HBO, CTN, etc., and corresponding programs such as Desperado, NFL Football “media programs” with respective start times in the user-selected time period and matching the search term, where the search term is different than the start time in the user-selected time period (col. 2, line 60-col. 3, line 1+), note that S-100 enables a user to input anytime search term criteria such as: 351 start time box, 352 EPG length box, topics, source, rating, category, etc., where a CPU of S-100 filters out the search to provide the user with an EPG based on the search term criteria; note further that when a user inputs a search term such as, e.g. 5:45PM, S-100 outputs an EPG from 6:00 PM to 7:30 PM, a time which is different from the user selected time.

Legall fails to explicitly teach where the search option includes at least one search criterion based on whether a media program is a recorded media program in the STT and where the portion of the media information output by the STT to the television

further identifies at least one media program as recorded media program residing in the STT.

However, note the **Ellis** reference figures 1, 2, 7, 10, 18b-f, discloses an interactive TV program guide (ITV-PG) and different types of TV services (fig.10) where the search option includes at least one search criterion based on whether a media program is a recorded media program in the STT and where the portion of the media information output by the STT to the television further identifies at least one media program as recorded media program residing in the STT (figs.10, 18b-f, page 13, [0145-0149]), note fig.7 local media server 'LMS' 29 or Remote Server 'RS' 24 (page 8, [0101-0104] and [0108-0109]) stores programs recorded by the user and ITV-PG data; ITV-PG of fig.10, includes "pending selections" and ITV-PG of figs.18b-c identifies recorded media programs (page 13, [0145-0149]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ellis into the system of Legall to indicate to the user recorded TV programs to enable the user to record other desired programs not locally stored.

As to claim 72, Legall further discloses where the portion of the EPG output by TV 120 identifies the first and second types of service for the first and second program, such as TBS, HBO, CTN, etc., and corresponding programs such as Desperado, NFL Football (fig. 3B).

Claim 74 is met as previously discussed with respect to claim 71.

As to claim 87, note the **Legall** reference figures 1-3, discloses integrated search of electronic program guide, Internet and other information resources and further discloses a method implemented by a television set-top terminal 'STT' (System 100, fig. 1) for enabling a user to search for media programs, the method comprising:

the claimed "receiving by a tuner in the STT media information..." is met by Receiver (R) 105 of System (S) 100 (fig. 1 and col. 2, lines 7-25), which receives via satellite broadcast, Internet broadcast, etc., broadcast programs and electronic program guide (EPG) "media information" corresponding to a plurality of types of television services, TBS, HBO, CTN, etc., the EPG comprising a plurality of media programs corresponding to each type of service in the plurality of types of television services and stores the EPG in Memory (MM);

S-100 outputs Window 375 "a first presentation comprising an option(s) 351 and 352 to select a time period from a plurality of time periods (fig. 3 and col. 2, line 60-col. 3, line 1+); and receives user input to search the EPG stored in MM or external database over Internet for EPG with start time in a user-selected time period and matching a search term (figs. 3A, 3B and col. 2, lines 23-37); and responsive to the user activating the search option, outputting to the Television Display (TV) 120/326 of S-100 a portion of the EPG (fig 3B) stored in MM, the portion of the EPG "a second presentation" comprising information corresponding to Desperado, NFL Football "media programs" with respective start times in the user-selected time period and matching the search term (col. 2, line 60-col. 3, line 1+); note that S-100 enables a user to input anytime search term criteria such as: 351 start time box, 352 EPG length box, topics,

source, rating, category, etc., where a CPU of S-100 filters out the search to provide the user with an EPG based on the search term criteria;

S-100 further provides the user a search option, based on topics, category, subcategory, source, etc., to search the media information stored in the first memory for media programs based on the user selected time period (fig. 3B and col. 2, line 60-col. 3, line 1+).

Legall fails to explicitly teach where the search option includes at least one search criterion based on whether a first type of TV service in the plurality of types of TV services is available to the user as a purchasable event.

However, note the **Ellis** reference figures 1, 2, 7, 10, 18b-f, discloses an interactive TV program guide (ITV-PG) and different types of TV services (fig.10) where the search option includes at least one search criterion based on whether a media program is a recorded media program in the STT and where the portion of the media information output by the STT to the television further identifies at least one media program as recorded media program residing in the STT (figs.10, 18b-f, page 13, [0145-0149]) and further teaches purchasable events (figs.14c-17 and page 12, [0135-0141]), note fig.7 local media server 'LMS' 29 (page 8, [0101-0104] and [0108-0109]) stores recorded programs, ITV-PG data, etc., ITV-PG of fig.10, includes "pending selections" and ITV-PG of figs.18b-c identifies recorded media programs (page 13, [0145-0149]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ellis into the system of Legall to enable the user to purchase and record other desired programs not locally stored.

As to claim 88-89, Legall further discloses where the plurality of television services is available as a purchasable event and a second type of service is available without additional purchase and a subscription service (col. 3, lines 39-43 and col. 4, lines 5-11).

Claim 90 is met as previously discussed with respect to claim 87.

As to claim 91, Legall further discloses where the search option is provided in the second presentation output to TV-120 of S-100 (col. 2, lines 38-59 and col. col. 4, lines 49-65).

As to claim 92, Legall further discloses where responsive to providing a search option to the user, receiving by the S-100 a second user input corresponding to a search term, and where responsive to receiving the second user input, outputting to the TV-120 a third presentation including a portion of the media information corresponding to at least one program in the user-selected time period and to the search term (col. 2, line 38-col. 3, line 1+ and col. col. 4, line 49-col. 5, line 21)

As to claims 99-102, note the **Legall** reference figures 1-3, discloses integrated search of electronic program guide, Internet and other information resources and further discloses a method implemented by a television set-top terminal 'STT' (System 100, fig. 1) for enabling a user to search for media programs, the method comprising:

the claimed "receiving by a tuner in the STT media information..." is met by Receiver (R) 105 of System (S) 100 (fig. 1 and col. 2, lines 7-25), which receives via satellite broadcast, Internet broadcast, etc., broadcast programs and electronic program



guide (EPG) "media information" corresponding to a plurality of respect media programs and stores the EPG in Memory (MM);

S-100 provides the user a search option to search the EPG stored in MM of S-100 for media programs with start time in a user-selected time period and matching a search term (figs. 3A, 3B and col. 2, lines 23-37); and responsive to the user activating the search option, outputting to the Television Display (TV) 120/326 of S-100 a portion of the EPG (fig 3B) stored in MM, the portion of the EPG comprising TBS, HBO, CTN, etc., and corresponding programs, Desperado, NFL Football, etc., "media programs" with respective start times in the user-selected time period and matching the search term (col. 2, line 60-col. 3, line 1+), note that S-100 enables a user to input anytime search term criteria such as: 351 start time box, 352 EPG length box, topics, source, rating, category, etc., where a CPU of S-100 filters out the search to provide the user with an EPG based on the search term criteria and identifies the respective type of television service providing the media program (figs 2, 3B, Window 220, TBS, HBO, CTN, etc., and corresponding programs, Desperado, NFL Football, etc.,).

Legall fails to explicitly teach where the search option includes option to search the media information stored in the memory of the STT for media programs that satisfy at least one search criterion based on types of TV services.

However, note the **Ellis** reference figures 1, 2, 7, 10, 18b-f, discloses an interactive TV program guide (ITV-PG) and different types of services where the search option includes at least one search criterion based on whether a media program is a recorded media program in the STT and where the portion of the media information

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output by the STT to the television further identifies at least one media program as recorded media program residing in the STT (figs.10, 18b-f, page 13, [0145-0149]), note fig.7 local media server 'LMS' 29 (page 8, [0101-0104] and [0108-0109]) stores recorded programs, ITV-PG data, etc., ITV-PG of fig.10, includes "pending selections" and ITV-PG of figs.18b-c identifies recorded media programs (page 13, [0145-0149]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ellis into the system of Legall to provide other types of services to the user and enable the user to record other desired programs not locally stored.

As to claim 104, Legall further discloses identifying the respective type of television service providing the media program and the random access functionality available with the media program (figs. 2, 3B, window 220 and col. 2, line 38-col. 3, line 1+ and col. 4, line 16-col.5, line 1+).

As to claims 105-107, note the **Legall** reference figures 1-3, discloses integrated search of electronic program guide, Internet and other information resources and further discloses a method implemented by a television set-top terminal 'STT' (System 100, fig. 1) for enabling a user to search for media programs, the method comprising:

the claimed "receiving by a tuner in the STT media information..." is met by Receiver (R) 105 of System (S) 100 (fig. 1 and col. 2, lines 7-25), which receives satellite transmission of broadcast and electronic program guide (EPG) "media information" corresponding to a plurality of respect media programs and stores the EPG in Memory (MM);

S-100 provides the user a search option to search the EPG stored in MM of S-100 for media programs with start time in a user-selected time period and matching a search term (figs. 3A, 3B and col. 2, lines 23-37); and responsive to the user activating the search option, outputting to the Television Display (TV) 120/326 of S-100 a portion of the EPG (fig 3B) stored in MM, the portion of the EPG comprising information corresponding to Desperado, NFL Football "media programs" with respective start times in the user-selected time period and matching the search term (col. 2, line 60-col. 3, line 1+), note that S-100 enables a user to input anytime search term criteria such as: 351 start time box, 352 EPG length box, topics, source, rating, category, etc., where a CPU of S-100 filters out the search to provide the user with an EPG based on the search term criteria;

Legall, teaches option 343 EPG Cost, but fails to explicitly teach outputting to the TV media information, which includes entitlement information corresponding to at least one media program that satisfy at least one search criterion based on entitlement information corresponding to a media program, entitlement information being related to various recording features of the media programs.

However, note the **Ellis** reference figures 1, 2, 7, 10, 18b-f, discloses an interactive TV program guide (ITV-PG) and different types of services where the search option includes at least one search criterion based on whether a media program is a recorded media program in the STT and entitlement information corresponding to at least one media program that satisfy at least one search criterion based on entitlement information corresponding to a media program, entitlement information being related to

various recording features of the media programs (figs.10, 18b-f, page 13, [0145-0149]), note fig.7 local media server 'LMS' 29 (page 8, [0101-0104] and [0108-0109]) stores recorded programs, ITV-PG data and entitlement information (page 12, [0138-0140]), ITV-PG of fig.10, includes "pending selections" and ITV-PG of figs.18b-c identifies recorded media programs (page 13, [0145-0149]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ellis into the system of Legall to provide entitlement information to enable the user to access desired programs and record other desired programs not locally stored.

As to claim 109, Legall further discloses automatically identifying expiration of stored EPG and programs and updating accordingly, but fails to explicitly teaches where entitlement information identifies, which as being previously discussed with respect to claim 105.

4. Claims 93-98 and 103 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Legall et al (6,005,565)** in view of **Ellis et al (2005/0283810)** and further in view of **Koshimuta (6,515,710)**.

As to claims 93-96, note the **Legall** reference figures 1-3, discloses integrated search of electronic program guide, Internet and other information resources and further discloses a method implemented by a television set-top terminal 'STT' (System 100, fig. 1) for enabling a user to search for media programs, the method comprising:

the claimed “receiving by a tuner in the STT media information...” is met by Receiver (R) 105 of System (S) 100 (fig. 1 and col. 2, lines 7-25), which receives via satellite broadcast, Internet broadcast, etc., broadcast programs and electronic program guide (EPG) corresponding to a plurality of respect media programs and stores the EPG in Memory (MM);

S-100 provides the user a search option to search the EPG stored in MM of S-100 for media programs with start time in a user-selected time period and matching a search term (figs. 3A, 3B and col. 2, lines 23-37); and responsive to the user activating the search option, outputting to the Television Display (TV) 120/326 of S-100 a portion of the EPG (fig 3B) stored in MM, the portion of the EPG comprising information corresponding to Desperado, NFL Football “media programs” with respective start times in the user-selected time period and matching the search term (col. 2, line 60-col. 3, line 1+), note that S-100 enables a user to input anytime search term criteria such as: 351 start time box, 352 EPG length box, topics, source, rating, category, etc., where a CPU of S-100 filters out the search to provide the user with an EPG based on the search term criteria.

Legall fails to explicitly teach where the search option includes media information stored in the memory of the STT for media programs that satisfy at least one search criterion based on the quality of the media.

However, note the **Ellis** reference figures 1, 2, 7, 10, 18b-f, discloses an interactive TV program guide (ITV-PG) and different types of TV services (fig.10) where the search option includes media information stored in the memory of the STT for media

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programs that satisfy at least one search criterion and where the portion of the media information output by the STT to the television further identifies at least one media program as recorded media program residing in the STT (figs.10, 18b-f, page 13, [0145-0149]), note fig.7 local media server 'LMS' 29 (page 8, [0101-0104] and [0108-0109]) stores recorded programs, ITV-PG data, etc., ITV-PG of fig.10, includes "pending selections" and ITV-PG of figs.18b-c identifies recorded media programs (page 13, [0145-0149]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ellis into the system of Legall to indicate to the user recorded TV programs to enable the user to record other desired programs not locally stored.

Legall as modified by Ellis, fail to explicitly teach search criterion based on video quality of the media programs and identification of respective media quality of at least one media program.

However, note the **Koshimuta** reference figures 1-5, disclose a television receiver that determines the video signal format based on data characterizing of the video signal being received and further determines if it's a HDTV, SDTV, NTSC, etc., video signals (col. 1, lines 9-19, col. 2, line 43-col. 3, line 24, col. 4, line 44-col. 5, line 9).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Koshimuta into the system of Legall as modified by Ellis to identify the media quality of each media program to enable the user

to beware of type of signal being received to enable the user to choose a signal type (HDTV, SDTV, NTSC, etc.,) that meets their receivers and to enable the receivers to reproduced the precise colors that meets manufactures specification or the receiver's capabilities.

As to claim 97-98, Legall further discloses identifying the respective type of television service providing the media program and the random access functionality available with the media program (figs. 2, 3B, window 220 and col. 2, line 38-col. 3, line 1+ and col. 4, line 16-col.5, line 1+).

As to claim 103, Legall teaches all the claimed limitation as previously discussed with respect to claim 99, but fails to explicitly teach identifying the respective media quality of the media program, which as being previously discussed with respect to claim 93.

5. Claims 108 and 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Legall et al (6,005,565)** in view of **Ellis et al (2005/0283810)** as applied to claim 105 above, and further in view of **Sahai et al (6,594,669)**.

As to claim 108 and 110, Legall as modified by Ellis, fail to explicitly teach where identifying media quality and where the media quality is a bit-rate.

However, **Sahai** teaches identifying media quality by frame rate of display, bit-rate, size, play back, etc. (col. 3, lines 50-60 and col.4, lines 9-63).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Sahai into the system Legall as modified

by Ellis to identify media quality by bit-rate and adjust device to the appropriate bit-rate for encoding and decoding of data or the programs.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 71-72, 74-75 and 87-110 have been considered but are moot in view of the new ground(s) of rejection discussed above. This office action is non-final.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Takeuchi (5,418,622) discloses apparatus for recording and reproducing audio and video signals in accordance with a broadcast schedule.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.



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Annan Q. Shang



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